

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Robert Graham, Jr.,	)	
	)	Civil Action No. 6:11-595-MBS-KFM
Petitioner,	)	
	)	<b><u>REPORT OF MAGISTRATE JUDGE</u></b>
vs.	)	
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
_____	)	

The petitioner, a state prisoner proceeding *pro se*, seeks relief pursuant to Title 42, United States Code, Section 1983. This matter is before the court on motion of the plaintiff to dismiss.

Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(B), and Local Rule 73.02(B)(2)(d), D.S.C., this magistrate judge is authorized to review all pretrial matters in cases filed under Title 42, United States Code, Section 1983, and submit findings and recommendations to the District Court.

The petitioner moves to dismiss the case without prejudice to give him an opportunity to exhaust his state remedies. A proper form order was filed on April 8, 2011, giving the petitioner until May 2, 2011, to bring the case into proper form. No responsive pleading has been filed in the case.

Wherefore, it is recommended that the plaintiff's motion be granted and this action be dismissed without prejudice.

April 21, 2011  
Greenville, South Carolina

s/Kevin F. McDonald  
United States Magistrate Judge